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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 5046 OF 2006

Office Notes, Office Memoranda of Coram, appearances, Court's Orders or directions and Registrar's Order	Court's or Judge's Order

Mr.S.S.Kudalkar for petitioner.
Mr.R.M.Patne, for respondent nos. 10 and 11.
Mr. R. R. Mahagavkar h/f. B. G. Tangsali for respondent no.2.

CORAM : J.H. BHATIA, J.

DATE : 12TH OCTOBER, 2007.

P.C. :-

. Heard the learned counsel for the parties.

2. The present petitioner is the original defendant no.1. His brother Govind Saguna Chambhar Kalgaonkar filed the suit for partition. Against the Judgment of Civil Court, the present petitioner had preferred the Civil Appeal No. 4 of 1992.

That appeal was allowed and the order passed in the Civil Suit was modified and it was declared that the plaintiff, defendant no. 1 and defendant no. 3 have equal shares in the suit property. The learned District Judge directed for partition of the agricultural land through Collector and partition of house property. After that, the present petitioner filed execution application and partition was effected by the Tahsildar and Taluka Inspector, Land Records. The said partition was challenged before the SDO by the respondent nos. 1 to 4. That appeal was also allowed. Against that order the present petitioner had preferred an appeal before the Additional Commissioner. That appeal was also dismissed. The SDO found that the partition was effected without proper service to some of the parties and in the

absence of some other parties. Therefore, SDO directed Tahsildar to carry out partition as per decree passed by the District Court after following the procedure. Taking into consideration, the observations made by the SDO and Additional Commissioner, I find no merits in the present petition. Petition stands dismissed.

(J.H.BHATIA, J)